operate if the outgoing tenant has not moved out all of his goods, or if the incoming tenant is in the act of moving in. *Doud* v. *Citizens Ins. Co.*, 141 Pa. St. 47, 23 Am. St. Rep. 263; *Eddy* v. *Hawkeye Ins. Co.*, 70 Ia. 472, 30 N. W. 808, 59 Am. Rep. 444. *Contra, Richards* v. *Continental Ins. Co.*, 83 Mich. 508, 48 N. W. 350, 21 Am. St. Rep. 611. It has been held that the policy was suspended during the change of tenants, and if the time required was reasonable, then it was revived when a tenant moved in. See *Ridge* v. *Scottish Commercial Ins. Co.*, 9 Lea (Tenn.) 507; *Ætna Ins. Co.* v. *Meyers*, 63 Ind. 238; 1 VA. LAW REV. 493. A further distinction is sometimes made when a tenant moves out and the owner has no prospective tenant. In such case the building is held to be vacant. See *Snyder* v. *Fireman's Fund Ins. Co.*, 78 Ia. 146, 42 N. W. 630.

MARRIAGE—COMMON LAW MARRIAGE—CONTINUED COHABITATION AFTER REMOVAL OF IMPEDIMENT.—A man who had an undivorced wife still living went through a ceremonial marriage with another woman who knew nothing of his former marriage. They cohabited as man and wife for years, and continued to do so after the death of the first wife. *Held*, that after the death of the first wife, a valid common law marriage is presumed. *Smith* v. *Reed* (Ga.), 89 S. E. 815.

Where both parties know of the existence of an impediment at the time the relation began, then the cohabitation is meretricious and the cases are almost unanimous in holding that a new contract must be shown after the removal of the impediment. *Clark* v. *Barney*, 24 Okla. 455, 103 Pac. 598. In a case before the House of Lords, when there was no ceremonial marriage and the cohabitation was meretricious in its inception to the knowledge of both parties, nevertheless, a common law marriage was presumed after the removal of the impediment. *Campbell* v. *Campbell*, L. R. 1 Scotch & Div. App. Cas. 182. The holding is quite anomalous.

Where both parties desire marriage and both are ignorant of the existence of an impediment, the authorities all hold that a common law marriage takes place as soon as the impediment is removed. *Manning* v. *Spurch*, 199 Ill. 447, 65 N. E. 342; *Schuchart* v. *Schuchart*, 61 Kan. 597, 50 L. R. A. 180; *De Thoren* v. *Attorney General*, L. R. 1 App. Cas. 686.

When there is an impediment and one of the parties knows of it but conceals it from the other, the authorities are not in accord. *Rose* v. *Clark*, 8 Paige (N. Y.) 574; *Bull* v. *Bull*, 29 Tex. Civ. App. 364, 68 S. W. 727. *Hunt's Appeal*, 86 Pa. St. 294. A majority of the courts hold that if the parties continue to cohabit as man and wife after the removal of the impediment a valid common law marriage is to be presumed, for it is not to be supposed that they intended to live together unlawfully. *Donnelly* v. *Donnelly's Heirs*, 8 B. Mon. (Ky.) 113; *Bull* v. *Bull*, *supra*. The case under discussion falls within this class and the holding is in harmony with the above cases. Other courts take a different view and hold that a new contract must be shown after the removal of the impediment. *Cartwright* v. *McGown*, 121 Ill. 389, 12 N. E. 737, 2 Am. St. Rep. 105; *Hunt's Appeal*, *supra*. Cohabitation apparently matrimonial, subsequent to the removal of the impediment, only shows the carrying into effect of the original purpose, and when the original purpose of one of the par-

ties, at least, was to live in adultery, the evidence must show an abandonment of such purpose and the execution of a new one before a common law marriage will be presumed. *Collins* v. *Voorhees*, 47 N. J. Eq. 555, 22 Atl. 1054, 14 L. R. A. 364, 24 Am. St. Rep. 412. But comparatively slight additional evidence is sufficient to show a new contract of marriage. *Chamberlain* v. *Chamberlain*, 68 N. J. Eq. 736, 62 Atl. 680, 3 L. R. A. (N. S.) 244, 111 Am. St. Rep. 658, 6 Ann. Cas. 483.

Some cases hold it is essential that the parties learn of the removal of the impediment before a common law marriage will be presumed. *Cartwright* v. *Mc Gown*, *supra*. It is held by the weight of authority, however, that this knowledge is not essential. *Busch* v. *Supreme Tent, etc.*, 81 Mo. App. 562.

PHYSICIANS AND SURGEONS—PRACTICE OF MEDICINE—CHIROPRACTICS.—The defendant, a chiropractor, was indicted for practicing medicine without a license, under a statute which defined medicine and surgery as investigating and diagnosticating any mental or physical ailment with a view of relieving the same as is commonly done by physicians and surgeons, or suggesting, prescribing, etc., for the use of any person, sick, injured or deformed, any drug, medicine, means or appliance for the intended relief or cure of the same. *Held*, the statute does not apply to chiropractors. *State* v. *Fite* (Idaho), 159 Pac. 1183.

The great weight of modern authority is that statutes exacting a certain degree of skill and learning to insure competence in those practicing the healing art are constitutional, being in the exercise of the police power of the state to regulate public health. *People* v. *Ellis*, 162 App. Div. 288, 147 N. Y. Supp. 681. See *State* v. *Johnson*, 84 Kan. 411, 114 Pac. 390, 41 L. R. A. (N. S.) 539. Under this power statutes may constitutionally define "the practice of medicine." *Smith* v. *People*, 51 Colo. 270, 117 Pac. 612, 36 L. R. A. (N. S.) 158. See *State* v. *Johnson*, *supra*. Such statutes do not affect the inalienable right of a citizen to the equal protection of the law. *Locke* v. *Ionia Circuit Judge* (Mich.), 151 N. W. 623. See *Teem* v. *State* (Tex.), 183 S. W. 1144. Statutes which practically prohibit chiropractics by requiring those who practice it to obtain a medical diploma, or stand examinations on subjects not necessary for them in the proper practice of their profession are not so unreasonable and capricious as not to be a proper exercise of the police power. *Harvey* v. *State*, 96 Neb. 786, 148 N. W. 924; *People* v. *Ratledge* (Cal.), 156 Pac. 455. But see *State* v. *MacKnight*, 131 N. C. 717, 42 S. E. 580, 59 L. R. A. 187. Nor are they unconstitutional in that, incidentally, they interfere with the right of a patient to choose his own method of treatment. *State* v. *Smith*, 233 Mo. 242, 135 S. W. 465, 33 L. R. A. (N. S.) 179.

It is generally held that the purpose of the statutes requiring those practicing the healing art to possess certain qualifications is to protect the over-credulous public from imposition. *Newman* v. *State*, 58 Tex. Cr. App. 110, 124 S. W. 956; *State* v. *Wilhite*, 132 Ia. 226, 109 N. W. 730, 11 Ann. Cas. 180; *State* v. *Johnson*, *supra*. The statutes are generally applicable, by their terms, to those who practice medicine; and it becomes